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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/753,266	<b>Applicant(s)</b> UHLIK ET AL.	
	<b>Examiner</b> MELODY MEHRPOUR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/09/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-6, 16, 22, 24-27, 34, 36, 40-46, 57-61, 63-68, 69, 80-85**, are rejected under 35 U.S.C. 102(b) as being anticipated by Shin et al. (US Patent Number 5,687,171).

Regarding claims 1, 16, 41, 60, 85, Shin teaches a method/apparatus of operating a base station comprising:

receiving a random access request for a traffic channel of a plurality of channels on a first random traffic channel of the plurality of traffic channels, **the first random traffic channel not designated as a random access channel** the traffic channels to be selectively allocated by the base station for communication with a user terminal (see figure 2, S103, col 3 lines 41-54); and

determining whether a traffic channel of the plurality of traffic channels is available to allocate to the requestor (see figure 2, S104, col 4 lines 1-10); and

communicating to the requestor whether a channel of the plurality of channels available (see figure 2, S105, S106, col 5 lines 1-13).

Regarding claims 2, 42, Shin teaches a method wherein Communicating includes denying the request for a channel (See figure 1 S106, col 4 lines 1-10).

Regarding claims 3, 22, 25, 43, 61, 83-84, Shin teaches a method wherein Communicating includes granting the request for a channel by assigning the first channel (see figure 1, S105, col 4 lines 1-11).

Regarding claims 4, 24, 27, 44, 58, Shin teaches a method wherein Communicating includes granting the request for a channel by assigning a second channel and the first channel (see figure 2, S105, on second time). In step S101, the control unit (105) of a base station reads the strength of a signal that has been measured and provided at an output of the unit (102) for measuring the strength of a signal received during an interval that is shorter than that requested by a call. In step S102, the margin allowed for signal strength is calculated by subtracting the size of a received signal that has been read from the total interferences allocated by the network. In step S103, the evaluation on whether a new radio channel has been requested is made and if not, step S101 is carried out. If the evaluation result shows that a request has been made, the operation proceeds to step S104. In step S104 an evaluation is made on whether the signal strength required for allocating radio channels according to the channel request made in step S103 exceeds the limit of the margin calculated in step S102. If the evaluation result shows that the margin is more than the required power strength in step S104, the allocation request of a corresponding radio channel is allocated in step

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S105, first channel is assigned. The base station start back to "A", and go through the whole procedures again, and When the evaluation result shows that the margin is more than the required power strength in step S104, in step S105 allocate the second channel also (col 3 lines 42-54, col 4 lines 1-14).

Regarding claims 5, 26, 45, 23, Shin inherently teaches a method wherein communicating includes granting the request for a channel by assigning a second channel instead of the first channel (see figure 2). In step S101, the control unit (105) of a base station reads the strength of a signal that has been measured and provided at an output of the unit (102) for measuring the strength of a signal received during an interval that is shorter than that requested by a call. In step S102, the margin allowed for signal strength is calculated by subtracting the size of a received signal that has been read from the total interferences allocated by the network. In step S103, the evaluation on whether a new radio channel has been requested is made and if not, step S101 is carried out. If the evaluation result shows that a request has been made, the operation proceeds to step S104. In step S104 an evaluation is made on whether the signal strength required for allocating radio channels according to the channel request made in step S103 exceeds the limit of the margin calculated in step S102. If the evaluation result shows that the margin is less than the required power strength in step S104, the allocation request of a corresponding radio channel is rejected in step S106, first channel is rejected. The base station start back to "A" and go through the whole procedures again, and When the evaluation result shows that the margin is more

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than the required power strength in step S104, in step S105 allocate the second channel (col 3 lines 42-54, col 4 lines 1-14). Therefore, the second channel allocated instead of the first channel.

Regarding claims 6, 46, 59, 69, 82, shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 2, 104), causing the processor to perform a method (see figures 1-2, col 2 lines 66-67, col 3 lines 1-12), wherein determining includes evaluating a load of the system (col 3 lines 15-23).

Regarding claim 21, Shin inherently teaches a method wherein the indication signaling no channel is available. In step S101, the control unit (105) of a base station reads the strength of a signal that has been measured and provided at an output of the unit(102) for measuring the strength of a signal received during an interval that is shorter than that requested by a call. In step S102, the margin allowed for signal strength is calculated by subtracting the size of a received signal that has been read from the total interferences allocated by the network. In step S103, the evaluation on whether a new radio channel has been requested is made and if not, step S101 is carried out. If the evaluation result shows that a request has been made, the operation proceeds to step S104. In step S104 an evaluation is made on whether the signal strength required for allocating radio channels according to the channel request made in step S103 exceeds the limit of the margin calculated in step S102. If the evaluation result shows, the margin is less than the required power strength in step S104, the allocation request of a

corresponding radio channel is rejected in step S106. Therefore, first channel rejected. The base station start back to “A”, and go through the whole procedures again, and When the evaluation result shows that the margin is less than the required power strength in step S104 again, in step S106 rejects the second channel too (col 3 lines 42-54, col 4 lines 1-14). If the evaluation result shows, the margin is less than the required power strength in step S104, the allocation request of a corresponding third radio channel is rejected in step S106. Therefore third channel is not available either. The base station keep going back to the starting point “A’ again till all the channels in the channel lists are checked, if the evaluation results shows that the margin is less than the required power strength in step S104, for every channels in the lists, then no channel is available.

Regarding claims 34, 36, Shin inherently teaches a method of providing access to a network comprising:

receiving a request for access **to the network from a network subscriber, the request received on a any random one of a plurality of traffic channel** from a network subscriber (see figure 2, S103, col 3 lines 41-54), **wherein the request is for the one traffic channel on which the request is received, and wherein** each channel of the plurality of **traffic** channels is **allocatable to subscribers** for accessing the network (col 5 lines 1-3); and

**sending an access assignment to the subscriber to grant access** to the network on an **available traffic** channel system, users usually randomly select a traffic channel from plurality of the **available traffic channels**, channel of the plurality of **traffic** channels an evaluation of factors (see figure 2, S105, S106, col 5 lines 1-13).

Regarding claims 40, 57, 80, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12), wherein determining includes evaluating the radio frequency characteristics of the request (col 3 lines 1-41). Shin evaluating the characteristic channel (each frequency contains number of channels).

Regarding claim 63, Shin teaches a system comprising:

- a processor (see figure 1, 104A, 1104B, 104N); and
- a network interface coupled to the processor;

wherein the processor and the network interface are collectively configured to:

- receive a request for a channel of a plurality of channels on a first channel of the plurality of channels (see figure 2, S103, col 3 lines 42-54);
- determine whether a channel of a plurality of channels is available (see figure 2, S104, col 4 lines 1-9); and
- communicate to the requestor whether a channel of the plurality of channels is available (see figure 2, col 4 lines 1-10).

Regarding claims 64, Shin teaches a machine-readable medium (base station is a computer) embodying instruction, the instructions, when executed by a processor,



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causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12), the method comprising:

receiving a request for a channel of a plurality of channels on a first channel of the plurality of channels (see figure 2, S103, col 3 lines 41-54);

determining whether a channel of the plurality of channels is available (see figure 2, S104, col 4 lines 1-10); and

communicating to the requestor whether a channel of the plurality of channels available(see figure 2, S105, S106, col 5 lines 1-13).

Regarding claims 65, 81, Shin teaches a machine-readable medium (base station is a computer) embodying instruction, the instructions, when executed by a processor, causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12), the method comprising:

wherein Communicating includes denying the request for a channel (See figure 2 S106, col 4 lines 1-10).

Regarding claims 66, Shin teaches a machine-readable medium (base station is a computer) embodying instruction, the instructions, when executed by a processor, causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12),the method comprising:

granting the request for a channel by assigning the first channel(see figure 2, S105 col 4 lines 1-9).

Regarding claim 67, Shin a machine-readable medium (base station is a computer) embodying instruction, the instructions, when executed by a processor, causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12), the method comprising:

granting the request for a channel by assigning a second channel and the first channel (see figure 2, S105, on second time). In step S101, the control unit (105) of a base station reads the strength of a signal that has been measured and provided at an output of the unit (102) for measuring the strength of a signal received during an interval that is shorter than that requested by a call. In step S102, the margin allowed for signal strength is calculated by subtracting the size of a received signal that has been read from the total interferences allocated by the network. In step S103, the evaluation on whether a new radio channel has been requested is made and if not, step S101 is carried out. If the evaluation result shows that a request has been made, the operation proceeds to step S104. In step S104 an evaluation is made on whether the signal strength required for allocating radio channels according to the channel request made in step S103 exceeds the limit of the margin calculated in step S102. If the evaluation result shows that the margin is more than the required power strength in step S104, the allocation request of a corresponding radio channel is allocated in step S105, first channel is assigned. The base station start back to "A", and go through the whole procedures again, and When the evaluation result shows that the margin is more

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than the required power strength in step S104, in step S105 allocate the second channel also (col 3 lines 42-54, col 4 lines 1-14).

Regarding claim 68, Shin teaches a machine-readable medium (base station is a computer) embodying instruction, the instructions, when executed by a processor, causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12), the method comprising:

granting the request for a channel by assigning a second channel instead of the first channel(see figure 2). In step S101, the control unit (105) of a base station reads the strength of a signal that has been measured and provided at an output of the unit(102)for measuring the strength of a signal received during an interval that is shorter than that requested by a call. In step S102, the margin allowed for signal strength is calculated by subtracting the size of a received signal that has been read from the total interferences allocated by the network. In step S103, the evaluation on whether a new radio channel has been requested is made and if not, step S101 is carried out. If the evaluation result shows that a request has been made, the operation proceeds to step S104. In step S104 an evaluation is made on whether the signal strength required for allocating radio channels according to the channel request made in step S103 exceeds the limit of the margin calculated in step S102. If the evaluation result shows that the margin is less than the required power strength in step S104, the allocation request of a corresponding radio channel is rejected in step S106, first channel is rejected. the base station start back to "A", and go through the whole

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procedures again, and When the evaluation result shows that the margin is more than the required power strength in step S104, in step S105 allocate the second channel (col 3 lines 42-54, col 4 lines 1-14).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 35, 37, 62**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171).

Regarding claims 35, 37, 62, Shin teaches a method wherein the evaluation factors include subscriber status, subscriber equipment network loading (col 2 lines 15-20). Shin does not specifically mention that factors including type of service requested, geographic location of the request, geographic location of the responding equipment, connection quality, usage history of the subscriber, and emergency status of the request. However, Examiner takes official notice that a communication method wherein the evaluation factors include subscriber status, subscriber equipment, type of service requested, geographic location of the request, geographic location of the responding equipment, connection quality, usage history of the subscriber, and emergency status of the request are well known in the art. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to combine the above teaching with Shin, in order to provide a system that is useful for different variety purpose, while the quality of the signals improving as well system.

4. **Claims 7-8, 11, 18, 47-48, 51, 70-71, 74**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Wheeler et al. (US Patent Number 2002/0072348 A1).

Regarding claims 7, 18, 47, 70, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein determining includes evaluating an emergency status of the request. However Wheeler teaches a method wherein determining includes evaluating an emergency status of the request (page 2 sections 0013-0014). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Wheeler with Shin, in order to enable the user to register automatically in response to the a notification message.

Regarding claims 8, 48, 71, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein determining includes evaluating a

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status of a subscriber from whom the request originates subscriber. However, Wheeler teaches a method wherein determining includes evaluating a status of a subscriber from whom the request originates subscriber (page 1 section 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Wheeler with Shin, in order to enable the user to register automatically in response to the a notification message.

Regarding claims 11, 51, 74, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein determining includes evaluating a nature of the request. However, Wheeler teaches a method wherein determining includes evaluating a nature of the request (page 1 section 0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Wheeler with Shin, in order to enable the user to register automatically in response to the a notification message.

5. **Claims 9-10, 39, 49-50, 56, 72-73, 79,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Castanho et al. (US Patent Number 2002/0087740 A1).

Regarding claims 9, 49, 72, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein evaluating the status includes evaluating the subscription terms of the subscriber. However, Castanho teaches a method wherein evaluating the status includes evaluating the subscription terms of the subscriber (page 2 section 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Castanho with Shin, in order to enable the user to register automatically in response to the a notification message.

Regarding claims 10, 39, 50, 56, 73, 79, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein evaluating the status includes evaluating the payment history and usage history of the subscriber (page 2 section 0035). However, Castanho teaches a method wherein evaluating the status includes evaluating the payment history and usage history of the subscriber. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Castanho with Shin, in order to notify roaming subscribers of suitable providers and their associated tariff rates when operating in an unfamiliar location.

6. **Claims 12-14, 52-53, 75-76**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al.(US Patent Number 5,687,171) in view of Mittal et al. (US Patent Number 2003/0163393A1).

Regarding claims 12, 52, 75, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein the nature of the request includes a high bandwidth requirement. However Mittal teaches a method wherein the nature of the request includes a high bandwidth requirement (page 6 section 0071, page 9 section 0098). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mittal with Shin, in order to enable the user to have complete control over the network by obtaining successful interface according to frequency platform.

Regarding claims 13, 53, 76, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1,104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein a nature of the request includes a low bandwidth requirement. However Mittal teaches a method wherein the nature of the request includes a low bandwidth requirement (page 6 section 0071, page 9 section 0099). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to



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combine the above teaching of Mittal with Shin, in order to enable the user to have complete control over the network by obtaining successful interface according to frequency platform.

Regarding claims 14, 19, 54, 77, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails to teach a method wherein a nature of the request includes a set of capabilities of equipment used to make the request. However Mittal teaches a method wherein the nature of the request includes a high bandwidth requirement (page 4 section 0042, page 6 section 0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mittal with Shin, in order to enable the user to have complete control over the network by obtaining successful interface according to device platform.

7. **Claims 15, 55, 78**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al.(US Patent Number 5,687,171) in view of Robinson (US Patent Number 5,680,398).

Regarding claims 15, 55, 78, Shin teaches a method/machine-readable medium (base station is a machine readable medium) embodying instruction, the instructions, when executed by a processor (see figure 1, 104), causing the processor to perform a method (see figure 1, col 2 lines 66-67, col 3 lines 1-12). Shin fails teaches a method further comprising:

receiving a request for a third channel of the plurality of channels upon assigning of the first channel;

determining whether a third or fourth channel of the plurality of channels is available (see figure 2, S014); and

communicating to the requestor the third channel availability or fourth channel availability. However Robinson teaches comprising:

receiving a request for a third channel of the plurality of channels upon assigning of the first channel;

determining whether a third or fourth channel of the plurality of channels is available (see figure 2, S014); and communicating to the requestor the third channel availability or fourth channel availability (col 6 lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Robinson with Shin, in order to obtain the optimum traffic channel for use as signaling channel for improving random access communications system.

8. **Claim 17**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Miller et al. (US Patent Number 6,006,084).

Regarding claim 17, Shin fails to teach a method wherein a request including a subscriber/an equipment identification. However Miller teach a method wherein a request including a subscriber/an equipment identification (col 14 lines 44-52). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Miller with Shin, in order to enable the service provider to have accurate billing information for individual members.

9. **Claim 20**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Barany et al. (US Patent Number 2002/0065081).

Regarding claim 20, Shin fails to teach a method wherein the request including a training sequence. However Barany teaches a communication system that Mobile request including a training sequence (page section 0071, section 0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Barany with Shin, in order to enable the mobile to use different system with different protocols.

10. **Claims 28-29, 30-31**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Buchenhorner et al. (US Patent Number 5,345,5496).

Regarding claims 28, 30, Shin fails to teach a method comprising:

    sending a request for a third channel of the plurality of channels;

receiving an indication of availability of a channel of the plurality of channels. However Buchenhorner teaches a method establishing a communication link comprising:

- sending a request for a third channel of the plurality of channels (col 4 lines 1-2);
- receiving an indication of availability of a channel of the plurality of channels (col 4 lines 2-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Buchenhorner with Shin, in order to obtain the optimum traffic channel for use as signaling channel thus base station grants the communication channel is greatly enhanced.

Regarding claim 29, Shin fails to teach a method comprising:

- the indication signaling the third channel is not available. However Buchenhorner teaches a method establishing a communication link comprising:
  - the indication signaling the third channel is not available (col 4 lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Buchenhorner with Shin, in order to obtain the optimum traffic channel for use as signaling channel, thus base station grants of the communication channel is greatly enhanced.

Regarding claim 31, Shin fails to teach a method comprising:

- the indication signaling the fourth channel is available. However Buchenhorner teaches a method establishing a communication link comprising:

the indication signaling the fourth channel is available (col 3 lines 60-68, col 4 lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Buchenhorner with Shin, in order to obtain the optimum traffic channel for use as signaling channel, thus base station grants of the communication channel is greatly enhanced.

11. **Claims 32-33**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) Barany et al. (US Patent Number 2002/0065081) in view of Robinson (US Patent Number 5,680,398).

Regarding claim 32, the combination of Shin and Barany fails to teach a method further comprising:

waiting an inter-channel delay;

sending a request for a third channel of the plurality of channels on the third channel;

receiving an indication of availability of a channel of the plurality channels. However Robinson teaches a method comprising:

waiting an inter-channel delay (col 5 lines 44-54);

sending a request for a third channel (channel 103) of the plurality of channels on the third channel (see figure 2, col 5 lines 55-63);

receiving an indication of availability of a channel of the plurality channels (channels 101, 103, col 5 lines 64-67, col 6 lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Robinson with Shin

modified by Barany, in order to obtain the optimum traffic channel for use as signaling channel for improving random access communications system.

Regarding claim 33, Shin fails to teach a method wherein:

the indication signaling the third channel is not available;

determining no other channels may be requested;

waiting an inter-attempt delay; and

sending a request for the first channel on the first channel.

However Robinson teaches the indication signaling the third channel is not available, due to the colliding units (col 6 lines 12-16); and determining no other channels may be requested (col 6 lines 12-16);

waiting an inter-attempt delay (col 6 lines 16-18); and

sending a request for the first channel on the first channel (col 6 lines 12-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Robinson with Shin, in order to obtain the optimum traffic channel for use as signaling channel for improving random access communications system.

12. **Claim 38**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Miller et al. (US Patent Number 6,006,084).

Regarding claim 38, Shin fails to teach a method wherein the request includes information related to equipment used by a subscriber making the request. However Miller teach a method wherein a request including a subscriber/equipment identification (col 14 lines 44-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Miller with Shin, in order to enable the service provider to have accurate billing information for individual members.

13. **Claims 86-91**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (US Patent Number 5,687,171) in view of Miller et al. (US Patent Number 6,006,084).

Regarding claims 86, 88, 90, Shin fails to teach a method further comprising calculating a set of spatial multiplexing weights and a set of spatial demultiplexing weights associated with the request. However, Schein teaches a method further comprising calculating a set of spatial multiplexing weights and a set of spatial demultiplexing weights associated with the request (page 2 section 0020). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Schein with Shin, in order to reduce the interference caused by the broadcast channel.

Regarding claims 87, 89, 91, Shin fails to teach a method wherein communicating to the requestor includes using the set of spatial multiplexing weights to tailor a multi-lobe antenna

radiation pattern. However, Schein teaches a method wherein communicating to the requestor includes using the set of spatial multiplexing weights to tailor a multi-lobe antenna radiation pattern (page 2 section 0020) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Schein with Shin, in order to reduce the interference caused by the broadcast channel.

### **Response to Arguments**

14. Applicant's arguments filed 10/09/08 have been fully considered but they are not persuasive.

In response to the applicant's argument that "claims 1, and 64, receiving a random access request on a first random traffic channel, which is not designated as a random access channel."

The Examiner asserts that Shin does not disclose that the first traffic channel is a random access channel.

In response to applicant's argument that "Robinson's features directed to a request on a first random traffic channel", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references



would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

January 1, 2009